

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:07-CV-276-FL

HARTFORD FIRE INSURANCE
COMPANY,

Plaintiff,

v.

ST. PAUL FIRE AND MARINE
INSURANCE COMPANY,

Defendant.

ORDER

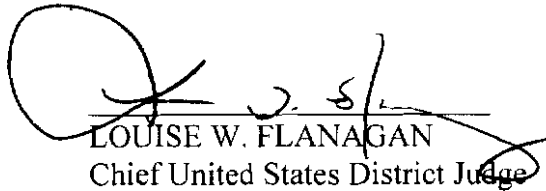
This matter is before the court on motion for summary judgment by defendant, (DE # 9), motion for partial summary judgment by plaintiff, (DE # 11), and the memorandum and recommendation ("M&R") filed by the United States Magistrate Judge. (DE # 18.) The M&R was filed on January 16, 2009. The time for filing objections to the M&R has now passed, with no objections filed by either party. In this posture, the issues raised are ripe for ruling.

This case was removed from the Superior Court of Wake County, North Carolina on July 19, 2007, on the basis of diversity jurisdiction. Plaintiff seeks a declaratory judgment pursuant to the North Carolina Declaratory Judgment Act that it is entitled to reimbursement from defendant for all or part of the sums it paid out in settlement of a case against CNC/Access, Inc. involving an automobile accident in which one of CNC/Access's patients was injured. Plaintiff insured CNC/Access, Inc. under a commercial general and automobile liability insurance policy. Defendant also insured under a health care facility medical professional liability policy. The instant cross-motions for summary judgment present a question of interpretation of insurance policy provisions

under North Carolina law.

The court has thoroughly reviewed the thoughtful M&R entered by the magistrate judge in this case, and considered the issues presented therein. The court finds the magistrate judge correctly interpreted and applied North Carolina law to the instant cross-motions for summary judgment. Therefore, the court hereby ADOPTS the recommendation of magistrate judge as its own, and, for the reasons stated in the M&R, plaintiff's motion is DENIED, defendant's motion is GRANTED, and this matter is DISMISSED. The clerk of court is directed to close the file.

SO ORDERED, this the 8th day of March, 2009.


LOUISE W. FLANAGAN
Chief United States District Judge